IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.521 OF 2007
WITH
CIVIL APPLICATION NO.901 OF 2007

Ballu Kallu Soude & Ors. .. Appellants.
Vs.
Kallawwa Appa Kunnure & Ors. .. Respondents.

Mr.N.J.Patil for the appellants/applicants.

CORAM : D.B.BHOSALE, JJ.
DATED : 8TH AUGUST, 2007.

P.C.:

. Heard learned counsel for the appellants.

2. The defendants have filed this appeal challenging the judgments of the courts below by which a suit filed by the respondent-plaintiff for injunction simplicitor has been decreed. Both the courts below after having considered the entire evidence on record and more particularly the document at Exhibit-52 dated 18.8.1949 and the sale deed dated 22.1.1979 at Exhibit-51, which clearly mention the boundaries of the suit property, has held that the plaintiffs have proved their possession over the suit property referrable to lawful title. Even if the submissions of Mr.Patil, learned counsel for the appellants, that the boundaries have not been

admitted by the defendants in the written statement, as observed by the appellate court in paragraph 9 of the judgment, is held to be correct that would not change the complexion of the matter. The courts below have held that the plaintiff has proved the possession over the suit property referrable to the lawful title on the basis of the evidence on record. I find sufficient evidence on the record to sustain the findings of fact recorded by the courts below. No substantial question of law is raised. The second appeal is dismissed. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)